

**CDPAC Meeting Minutes**  
**Thursday, May 2, 2002**  
**State Capitol Building**

**Welcome, Introductions and Committee Business**

Vice-Chairperson Lynn Lucas welcomed everyone and said that she will be standing in for Kathy Malaske-Samu for the first part of the meeting. She thanked Earl Peterson who spoke on behalf of the Committee at the Legislative Budget Hearing earlier in the week. She thanked the field for their support and recognition of the service the Committee provides. Committee members introduced themselves followed by the staff members and audience.

Ms. Lucas asked for announcements. None were given.

The Committee adopted the April 4, 2002 minutes as drafted.

**Executive Director's Report**

Kay Ryan reported on the status of CDPAC in the 2002-03 State Budget. The state has an \$80 billion budget, education requires \$40 billion of it and there is a \$20 billion deficit. This leaves \$20 for all other needs. The present news is cautiously optimistic concerning the cuts in child care and CDPAC funding that were proposed in the Governor's Budget. Expansion of child care services to unserved families is no longer being proposed. A new proposal will be in the May Revise. The Assembly Budget Committee recommends that CDPAC be maintained with a budget cutback and the removal of two unfilled staff positions. The Senate Budget Committee meets later this month to discuss the same issues. She thanked everyone who has supported CDPAC. Ms. Lucas asked for questions from the Committee or audience. Mr. Peterson said that he appreciated the work that staff has done and was glad to represent the Committee during the Legislative meeting he attended.

Sharon Rea Zone asked for Committee approval to an amendment that will extend until December 31, 2002 the contract with the California Department of Social Services (CDSS) to provide technical support services relating to CalWORKs child care and Local Planning Councils. Committee members voted to approve the amendment.

**Lessons Learned from the Military's Child Care System – A Model for Supporting Young Children and Their Families**

*Dr. Abby Thorman, Director, Metropolitan Council on Child Care, Mid-Atlantic Regional Council*

Dr. Thorman thanked the Committee and provided a brief background about herself and the Council. She said she is here to present one of the best models in the country of what a comprehensive child care system can look like.

Background: As they left the service in the 1980s, military parents stated that a reason they were leaving was they were not satisfied with the child care system and worried for their children. As a result, the Government Accounting Office (GAO) produced a critical evaluation of the child care system. This was followed by passage of The Military Child Care Act of 1989, which was a blueprint

for a comprehensive child care system. The process was systematically and quickly implemented to dramatically improve services to families. Currently, over 200,000 children are served each day in child care programs in over 300 communities worldwide.

Overview of System: The military invested in a resource and referral system that serves as the central processing point and where parents receive referrals to meet their child care preferences. They invested in child care centers and child care homes, which have equal quality of care and availability. They also recently invested in quality before and after school programs. In deciding whether to invest in quality or quantity, they decided early on to invest only in high quality child care where children are prepared for school and which supports working parents. The point was to be sure that parents had a wide variety of options, all of which were high quality.

Basic standards and supports for these standards were developed and are rigorously enforced. Four unannounced inspections are done each year by community teams of eight members each. One unannounced inspection is done annually by a team from the military. The policy is to fix, waive or close down a provider when standards are not met. Programs that cannot meet the standards are shut down and a review is held to determine what happened and how the community may have failed to support the provider. The military has realized that families must be supported for the military to work. When the GAO did their report in 1988, most child care was done by volunteers in abandoned buildings. None of the programs could meet even the most basic licensing standards. Today, 96 percent of centers meet National Accreditation Standards, and they are working to reach 100 percent. The goal includes having 100 percent of their family child care homes and before and after school programs be nationally accredited. About 25 percent of the family child care homes are right now.

Funding: Funding for military child care is similar to how higher education is funded. There is a fee for service, with a sliding scale based on income, supported by operating costs that undergird the entire system. Family fees are based on income after all necessary expenses are paid and are no more than ten percent of the family's discretionary income. These range from \$100 to \$400 a month. The fee is the same for an infant as for a preschooler. No one gets child care for free. Everyone pays something. Programs are subsidized with appropriated funds and non-appropriated funds. The current congressional appropriation is about \$320 million annually. There are no costs to the military for the facilities or their maintenance. The non-appropriated funds come from local taxes including five percent taxes on goods purchased at the PX and commissary and funds maintained and allocated by the community.

**Q.** Is the fee per child or per family?

**A.** Per child. There is a multiple child discount of ten percent.

Professional Development: Dr. Thorman spoke about the importance of having knowledgeable staff. Each staff member, whether they are a cook, teacher, or hold any other position receives 40 hours of training. They get individualized training after completing the early modules. They are continuously inspected throughout their career.

Compensation: There are benefits for those that continue with their training, which include wage increases, vacation, insurance and other incentives. Wage is determined by location. Direct care providers start at about \$8 an hour (\$16,600 annually). Those in high cost areas receive more. After

completion of training, they get about \$10 an hour (\$20,800 annually). Lead teachers with a Child Development Associate (CDA) start at about \$11 an hour, and administrators receive up to \$26 an hour (\$54,000 annually). Pay augmentations based on military salaries have resulted in dramatic drops in staff turnover over the last 15 months. All full and part-time staff receive a benefits package that includes health or life insurance, sick leave, vacation and retirement benefits.

As with the military, the most money and attention is invested in the leadership. Administrative and supervisory staff receive more money and better benefit packages and are paid from appropriated funds. Other staff are paid from non-appropriated funds.

Impact: Overall retention and school readiness has dramatically increased. Children are arriving at school better prepared to succeed. One of the leading reasons people re-enlist is the quality of child care and the quality of the school system. Ninety-five percent of children graduate and 80 percent receive a four-year college degree. Staff turnover has decreased from 300 percent to less than 30 percent. About 90 percent of this 30 percent is due to the spouse leaving that station. The military has a mantra that providing child care is a privilege, it is not a right. Providing child care is a source of pride. Program quality, as mentioned earlier, has dramatically increased.

#### Lessons Learned From the Military:

- Do not be daunted by the task. It is possible to take a woefully inadequate child care system and dramatically improve it.
- Recognize and acknowledge the seriousness of the child care problem and the consequences of inaction.
- Improve quality by enforcing standards, compensation and training. Cities with good child care and educational systems are successful in luring high tech, high skilled jobs and businesses to their communities.
- Keep parent fees affordable through subsidies.
- Expand the availability of all kinds of care by constantly assessing the demand and the supply, developing strategies to meet unmet needs and taking steps to address it.
- Commit the resources necessary to get the job done.

#### **Qs & As, Committee Members**

- Q.** How is it possible to keep all schools in the system, whether they are in the US or based in Okinawa, on the same lesson plan at the same time each day?
- A.** It took a great investment and careful planning so that when families are moved around, the children do not fall behind and can fall right in on the lessons they left off on. It requires teachers who are very clear about the standards. If children fall behind in classes, actions are taken to get them on track.

- Q.** What supports are provided to children with disabilities?
- A.** There is a series of supports in child care and in the community. Before a child arrives, a team that includes the child care director, the teacher and the therapist meets to discuss the child's needs. The team responds to the needs expressed by the parents. The teachers receive specialized training and have ongoing conversations with the therapist and others working with the child.
- Q.** What is the involvement of the health system?
- A.** The community health nurse is responsible for health quality assurance in child care programs. They are included in the four unannounced inspections a year. They are responsible for health standards at the facility and for tracking childhood immunizations and health screenings.
- Q.** Who employs the staff?
- A.** Those in a leadership role are federal employees paid with appropriated funds. Those in an assistant or supportive roles are non-appropriated funded employees.
- Q.** Do you know the range of real costs per child including the hidden costs for facilities, etc.?
- A.** The military is working on that number. Early estimates are that a high quality preschool program absent facility costs is about \$7,000 per child per year, about \$8,000 for infants and about \$4,000 for preschoolers. Facilities costs are about eight percent of the average child care home budget. This figure was developed, based on reports from providers, for the Cost, Quality and Child Outcome Study conducted in 1999. Meeting participants generally agreed that this figure is much lower than facilities costs in California, which are generally figured at 20-25 percent. Dr. Thorman pointed out that when workers are paid equal to teachers' salaries, facilities costs take up less of the budget.
- Q.** What percent of parents choose center care or family care homes and has the military compared the costs or quality outcomes for these?
- A.** The military is currently meeting about 70 percent of the need and working to increase this figure. So, being in the military does not guarantee a quality slot. The type of care families choose depends on what is available. About 50 percent of children in care are in center care and about 50 percent are in family child care homes. Teacher training and quality assurance is identical for both. Family child care homes receive two visits a month, one by the training and curriculum specialist and one by the director. Family child care homes can have up to six children not related to the caregiver, no more than two can be under the age of two years. If there are no children under age two, they can have up to eight children. In centers, the recommended ratio is one adult to four babies and one adult to every ten preschoolers.
- Q.** What is the school readiness situation?
- A.** This hasn't been empirically tested yet. When the centers work with the schools, there has been a seamless transition. The centers know what levels the schools are expecting the children to be at, while the schools know what the centers are teaching. They are also experimenting with sending school children into child care centers to assist with getting the preschool age kids ready for school.

- Q.** What proportion of infants are in group care? Also, please talk about the after school programs.
- A.** About 30 percent of infants and toddlers are in centers and 70 percent are in family child care. Before and after school programs for children in first through sixth grade are in youth centers, and the families must pay for this. The curriculum is based on national standards. Junior high schoolers and high schoolers were consulted in developing their program and are in charge of their own system. They have a budget. They go on field trips into the community and are doing something, often involving work with younger children, twice a week.
- Q.** Has this model been presented to the California Prop 10 Commission? It's a very special model that should be carefully looked at for encouragement and ideas for California's child care system.
- A.** Dr. Thorman met with Jane Henderson to provide a brief overview of this model.
- Q.** Does this system produce revenue or does it lose money?
- A.** This depends on how you look at it. Dr. Thorman compared it to building and maintaining a street. Money is spent but is well worth the expense. Also she said that community leadership are hired or fired based on the quality of their program and whether or not their budgets balance.

### **Qs & As, Audience**

- Q.** What are the educational requirements for staff, assistants, teachers and supervisors?
- A.** Lead teachers must have a Child Development Associate (CDA) credential. A supervisor who oversees 30 teachers, lead teachers and assistants must have a master's degree in Early Childhood Education and is called a training and curriculum specialist. Assistant teachers and other classroom staff must have at least a high school diploma. Center Directors and Assistant Directors must have at least a bachelor's degree and most have a master's. Child care providers must have at least a high school diploma and must go through an individualized training track. All training is articulated with the two and four year colleges that offer degrees on post.
- Q.** In preschool there is a ratio of ten preschoolers to a teacher. How is this reflected in the classroom?
- A.** The maximum number of preschoolers in a classroom is 20. Typically there are two staff at all times. Depending on the activities, sometimes there are three staff. The ratios are adjusted if there are children with special needs or if there are children who need paraprofessional support.
- Q.** Is the same curriculum model used throughout the system?
- A.** The high scope curriculum is being used everywhere, but is not cookie cutter. Teachers, children and families all have input on the needs of each child.
- Q.** Please comment on implementation of the military's model in Kansas City and how they are coming along with that.
- A.** Kansas City has committed to building a nationally unsurpassed early learning system using many lessons learned in the military model to make that happen. A \$36 million demonstration project will be implemented over the next five years. They are addressing compensation and quality assurance. Technical assistance is taking place in about 50 percent of centers in the community and in about 20 percent of family care homes to put them on the national accreditation track. Facilities resources are available to help centers meet national accreditation standards. Eighty

centers have received grants of about \$25,000 each to help them build new playgrounds and address facility needs. Professional development is crucial, so a large scholarship initiative pays tuition costs for people to go back to school for a bachelors, associates or masters degree. There is a resource and referral component for consumer education to help families connect with programs that meet their needs. They have enlisted the assistance of the business community to finance and market the project. Their challenge is to reframe people's thinking much in the same way people's thinking was reframed by the civil rights movement. They intend to help the public understand how children can be valued and how their public tax dollars can make a difference. Their vehicle is called the "Number One Question Campaign." It is designed to be the question by which every decision in Kansas City is made. The question is -- "Is it good for the children?" It is especially helpful that business leaders are saying this is important to them. They have been very clear on what they can deliver to the business community and very focused about where they need their assistance. In terms of what has been learned from the military model, they are taking the compensation model, using national accreditation as a standard, investing in professional development, and putting in very clear standards for the programs.

**Q.** Are you integrating existing providers into the military model?

**A.** One operating principle is to invest in current programs. They needed programs that could deliver results, so there was a competitive process for the full package of compensation and support. About ten percent of providers receive the full package. Also, about 50 percent of licensed and license-exempt providers are receiving a smaller version to help them along the pipeline to being able to meet the standards. Either their staffs receive scholarships or the centers receive technical assistance. Teams of key stakeholders are taken on a tour of programs that have the investment and programs that do not. The contrasts speak volumes.

This is really a community movement about valuing and embracing and investing in young children and their families and the resources they access in a really different way than the community has done to date.

**Q.** How are you defining "quality?" Is nutrition included in the framework?

**A.** They are measuring quality by national accreditation. Nutrition is included only in a broad sense. About 90 percent of the children meet basic health indicators.

**Q.** Would a home schooling model be eligible for your program?

**A.** You could receive resources through the Parents as Teachers program. We are just beginning a component of community spaces where parents who stay home with their children could access our resources.

**Q.** How is the Head Start system being integrated in Kansas City?

**A.** They are closely working with Head Start to build and design the system.

**Q.** How do you fit into this program?

**A.** Dr. Thorman said she works for the Coalition of Local Governments for Greater Kansas City. The Mid-America Regional Council was formed to be their collective voice for the greater metropolitan area to address quality of life issues. Her responsibility is for the early childhood work. Their role involves planning, strategic thinking, identifying the field in a way people can

understand it, and being the convener and the community voice. She worked for the military in Germany for six years helping to implement and standardize the child care program in the European theatre.

Linda Wherry said that she is a military child care director and that it is a great program. She encouraged that this model be looked at for possible application in California.

Ms. Lucas thanked Dr. Thorman for her excellent presentation and said that she would like her to come back at in a few years with an update on the system in Kansas City. Dr. Thorman said she is happy to share their information and models with everyone. This is all about what is great for our children. She encouraged everyone to be very clear on what needs to be done and to be fearless in making it happen. Ms. Ryan reminded everyone that Dr. Thorman is giving a presentation tomorrow on the “Number One Question” campaign.

The Committee discussed how they might approach using the information provided by Dr. Thorman and that it may also be of value to the Prop 10 Commission.

Kathy Malaske-Samu said that Dr. Thorman’s presentation was an opportunity to look towards and plan for the future when we have more resources. Wayne Gretsky said he was such an incredible hockey player because he was never where the puck was but where it was going to be. That’s the kind of professionals we need to be.

### **Association of Local Planners**

*Kathi Walker, Co-Chair*

Ms. Walker is the Local Planning Coordinator in El Dorado County and Co-chair of the California Local Child Care Coordinators Association. She outlined the history and types of child care coordinators. Twenty-three coordinators first came together as a group in 1987. She named several of the early child care coordinators and some of the topics of discussion at their conferences, the same topics that are discussed today. In 1991, AB 2141 (Speier) formalized Local Planning Councils (LPCs) to set funding priorities for county Child Care and Development Block Grants. In 1997, AB 1542 (Aroner), welfare reform legislation, further formalized LPCs. Local Boards of Supervisors and Superintendents of Schools appoint LPC members. In 1998, local planning coordinators met and discussed the requirements of AB 1542, and asked Linda Parfitt at the California Department of Education (CDE) to help them define their role. In 1999-2000, the Child Care Coordinators Association invited Local Planning Coordinators to meet and discuss their respective roles. In 2000, the California Child Care Coordinators Association was formed. Their mission is to provide support and improve the coordination of local efforts to provide early care and education services in California. They serve as a forum to share information and knowledge among themselves, to provide leadership in identifying and addressing key issues, and to voice these issues to members, funders, counties, CDE, the legislature, related organizations and the public. They identify and promote training and technical assistance and assist local planning councils in understanding their mission. They are in the process of formalizing their membership and have about 60 applicants. A member is defined as a child care coordinator representing a city, county, or local planning council that opts to participate and pay the annual membership fee. Ms. Walker is the Northern California Chair and Jan Peterson of Riverside County is the Southern California Chair. Mary Arriaga of Fresno County is

Treasurer and Kathleen Murray Phillips of Monterey County is Secretary. Association meetings are held quarterly. Their work plan is to establish formalized membership and develop community committees. Their annual conference is planned for October 9-11 in San Francisco. Their first formal action taken outside of structural issues was a letter to the Governor supporting reinstating funding to CDPAC. She read from the letter regarding the importance of CDPAC to the field. Planning coordinators are the local planners, economists, policy analysts and consultants. They also must be knowledgeable about state and federal issues. She thanked the Committee for their continuing support of their efforts.

- Q.** What proportion of the membership are local planning coordinators and what proportion are city and county coordinators?
- A.** Only about 12-16 are city or county coordinators and the rest are local planning coordinators. Many of them serve with local planning coordinators and a lot of the jobs have been merged since the passage of AB 1542.
- Q.** Are there any relationships or contacts with local or state health agencies or organizations?
- A.** LPCs work with local health officials. They need to look at how their association can link with health organizations to share information and coordinate services.

Ms. Lucas thanked Ms. Walker for the association's support of CDPAC and praised her leadership and advocacy role in El Dorado County and in the state. Ms. Walker expressed her appreciation for the assistance and forum provided to them by CDPAC.

### **Criminal Background Checks and Exemption Process**

*Martha Lopez*, Deputy Director, Community Care Licensing (CCL), California Department of Social Services

*Julie Jenkins Sathe*, Caring Connection Children's Center

*Janet Vining*, Commission on Teacher Credentialing, California Department of Education

Sharron Goldstein reviewed the history of the criminal background check issue and introduced the panel. Martha Lopez and Janet Vining will talk about their respective background check processes. Some of their work overlaps because persons who receive children's center permits and child development permits and work in subsidized child care programs go through the Commission on Teacher Credentialing. Julie Jenkins Sathe will talk about the provider perspective on this issue. On May 8<sup>th</sup> there will be a joint hearing of the Committee on Health and Human Services and Public Safety to talk about safety in child care.

*Martha Lopez*

California has one of the best criminal background check systems in the country. We have been doing this longer than most other states. We review more information than most agencies that require background checks and we have a rigorous process for deciding who can and cannot reside or work in a child care facility. The system has been strengthened by legislation and refined by the Department over the past few years. The biggest licensing category is family child care homes. The state licenses about 35,000 family child care homes and counties license another 5,000.



Our mission is to prevent harm to children by a system of background checks that will weed out individuals who are not suitable for providing care for children or dependent adults in licensed care facilities. Those who work in child care and must have a background check include the licensees, all employees of the program, and any adult non-client who lives in the home. A spouse and adult relatives or people who frequently are in the home also must have a background check. Background checks for license-exempt child care providers who receive child care subsidies are conducted through Trustline, which is specifically designed for license-exempt providers and is unique to California.

The criminal background check process includes submission of fingerprints to the Department of Justice (DOJ), an FBI criminal history check, which began in 1999, and a check of the Child Abuse Central Index at DOJ. The DOJ provides information about serious arrests and potential child abuse matches. CCL then investigates these reports. CCL maintains a registry of those who have been cleared and processes exemptions.

By statute, exemptions cannot be granted for 51 specific crimes. If an individual has a conviction for any of these crimes, they are immediately excluded from the care facility and the Department advises them that they cannot associate or reside there. In addition, we exclude people who have been convicted of other crimes involving harm to a person such as spousal abuse, various other kinds of assault, and any child molest not already excluded by statute.

Those convicted of less serious crimes may request an exemption within 30 days of notification of the facility by CCL. They must provide certain information to CCL so staff can review the nature of the crime and any pattern of convictions and arrests. CCL considers the length of time since the most recent conviction and any probation or rehabilitation status. They do not consider an exemption until a person has been off probation for at least one year. Rehabilitation can include community service, restitution, alcohol or drug treatment, or other types of counseling or rehabilitation programs. They ask for letters of reference from someone who is in a position to assess the person's character. And they look at the type of duties to be performed by the person. CCL may grant exemptions for victimless offenses, non-violent misdemeanors and some non-violent felonies that occurred over ten years ago. Trained staff review the DOJ information at a CCL office in Sacramento. They sometimes get information about minor infractions such as failure to clear weeds or keeping a fish that is too small. CCL issues a Department clearance on those, it is not considered an exemption. The statute permits the Department to grant a simplified exemption if the crime is of a very minor nature. These are reviewed carefully by staff. An exemption will be considered when it was only one crime and it occurred more than three years ago. If there were up to three such crimes, then ten years must have elapsed before an exemption will be considered. Most exemptions fall into the standard exemption process. Certain elements must be met before CCL will even consider looking at the exemption request. They consider whether the crime was a misdemeanor or a felony, or whether violence was involved. If a person had a felony conviction with violence involved, the person must have been off probation or parole for at least ten years before CCL will consider looking at the exemption request. After a facility is notified that a person working or living there needs an exemption, about 50 percent of the persons do not request an exemption. When there is no request for an exemption, the facility is notified that the person can no longer be employed at or live there. There is an appeals process. Sometimes the hearing officer determines that the person should be allowed to work or be on probation for a limited time.

**Q.** How many exemptions are processed?

**A.** At any given time there are about 250,000-275,000 people associated with child care in all of these facilities. We took a snap shot in December of 2001, and the number of people working with exemptions was a little over 4,000. This is about 1.8 percent. Another 3,000 had exemptions but were not working at a facility at the time. They can go back to work in a facility within two years without having to be re-fingerprinted. If a person has been cleared or granted an exemption, DOJ notifies CDSS of any subsequent arrest or conviction.

**Q.** Will a teacher who has been at a facility for several years, now have to notify parents of, for example, a shoplifting conviction from many years prior?

**A.** Two things occurred. CBS sued the Department to obtain a list of child care facilities that had an employee with an exemption and a list of all persons who had been granted an exemption since 1995. CDSS won the suit but the decision was overturned on appeal in the summer of 2001. They were notified that the exemption, but not the nature of the crime, was public information and it must be released upon request. The court said the public had a right to know who had an exemption and who did not. Since January, they have responded to requests for information about employees at specified facilities by releasing the names of those with an exemption, but not the cause of the exemption. They also have released lists of those with exemptions to those that requested a list and paid a small processing fee. Until recently, most requests have been about a specific child care center or centers. The number of calls has picked up since the recent publicity about this issue. It's too early to tell if this decision will impact the numbers of requests for an exemption. They now notify people at the time they apply for a license or an exemption that information they provide is subject to public disclosure on request and, if asked, CDSS must reveal if a license exemption has been granted.

**Q.** Does the request for exemption have to be made by an agency or employer? Is it correct that CDSS cannot grant an exemption without the involvement of the employer?

**A.** The simplified exemption process mentioned earlier is granted by CDSS without a request from the employer. But we notify the employer that we have granted the exemption. If the employer decides that they do not want to ask for an exemption for an employee, under statute, the employee can ask for an exemption. If they receive the exemption, any subsequent potential employer is notified that their potential employee has a record and an exemption.

*Julie Jenkins Sathe*

Ms. Jenkins Sathe is here on behalf of center providers. She asked for statistics that reflect the numbers of exemptions granted by types of facilities – family child care homes, center-based programs, foster care homes, group homes, etc. Everyone who commits their career to caring for children wants only healthy, quality people working with children. Providers do not want people working for them who are not safe. She has walked through the exemption process with four people since she became an owner in 1989. CCL was always immediately responsive in notifying her of the need for an exemption and whether the applicant was eligible for the exemption. She and the employee prepared the request for exemption together. Of the four requests, one was absolutely denied. The nonviolent offense took place four years prior. Applicants are frightened of the exemption process, even though their offense may have been 15 or 20 years ago. They are entrusting their information and history to several governmental agencies. Providers pay to have the applicant fingerprinted, their taxes pay the state government, the federal government, and all the agencies that

encounter that fingerprint and now she and other providers are outraged that it is coming back onto them because the government lost a court suit. The state is throwing it back to the provider because it is an inconvenience to answer the phone. She would like to know how many calls the state gets from parents about this issue. Licensing now is required to give out exemption information on request. The field hears over and over how it is impossible for CCL to do this as mandated. So now licensed providers have to do CCL's job. That's just not right.

The individuals who have asked for and been granted exemptions so they can do this important work are now being humiliated. This is very difficult. People with a minor action on their record are now labeled as criminals in the newspapers. This is not someone else, it is all of us. Our position is that CCL must do its own job. They must take responsibility for what they have done or have failed to do, and allow providers to continue doing their job, which is to hire quality people to work with children. If the system needs to be changed, then let's do that. Personally, she said that she has had only good results with the system as it exists.

#### *Janet Vining*

Ms. Vining is an attorney with the Commission on Teacher Credentialing. She is here to compare and contrast their background check process with CCL's process. The Commission is a 19-member body. They appoint a seven-member committee that reviews individual credentials. Membership in both bodies is governed by statute. The Commission is responsible for issuing hundreds of thousands of credentials annually. These cover a wide range of categories from school teachers and administrators to state subsidized child care providers. Credential applicants, including student teachers, are required to receive a fingerprint clearance before they can go into a classroom. Clearances go through DOJ and the FBI. If anything comes back from them, the application is referred to her division. Applicants are required to disclose if they have ever been convicted of a crime or are under investigation for a crime. The statute governing credentials lists over 150 non-exemptible crimes. If an applicant has been convicted of one of these crimes, they are out and have no recourse unless they sue and are able to convince the Commission of some error. The same is true for those with a credential. As with CDSS, the DOJ provides subsequent reports on those who previously were fingerprinted for a credential. If someone with a credential is arrested and convicted of a listed crime, they are mandatorily out with no recourse.

If an applicant discloses they were convicted of a crime or a report comes back from the fingerprint check and it is not a non-exemptible crime, the committee reviews the file. Very minor crimes or, for example, a very old DUI conviction, are filtered out early in the process. An investigation is opened on the other cases. The applicant is required to provide all documentation, including court documents and police reports so the committee can look at the underlying facts. They look for drug or alcohol abuse, child abuse, or violence. The review is ornate and is strictly to determine character fitness to hold the credential. Anyone denied has a right to go through an administrative hearing process, which can be very lengthy.

The process is a little different for a credential holder who has a subsequent conviction. Statute does not require the Commission to revoke the credential unless the crime was non-exemptible. There is a discretionary review. The committee has a broader range of options for a credential holder than for an applicant. The holder has a property right to the credential, unless the crime was non-exemptible. The committee can recommend a private admonition, a public reproof, a suspension for any period of

time, or revocation of the credential. If the credential is revoked either mandatorily or through a review, they must wait a year before trying to get the credential back. Actions by the committee are final and are published at the school that is involved. Final actions are public information. They are published every month and distributed to all schools and they are available online. If a person has been reviewed and received a credential, this is not public information and no document is issued about the review. If a credential has been suspended or revoked, this information is available from the Commission and will appear online. So, you can check to see if a person has a valid credential. And you can see if any action has ever been taken against that credential. Other than that, all information about applicants and credential holders is confidential.

Jo Weber said she can see both sides, as a parent and as a government person. She asked Ms. Lopez what other methods for informing parents were considered and why did we come to the provider. Ms. Lopez said the parent and provider interact on a daily basis so the feeling was that they should be the ones to discuss this information. If the parents were to get a letter from CDSS saying “this person who works for your provider has been convicted of a crime,” this would be more damaging than to have the provider, with whom they have a relationship of trust, share the information with the parent.

- Q.** I assume that many convictions have been plea bargained down. Can a case review determine the details of the actual crime?
- A.** To extent they are available, CCL looks at arrest reports to try to find out what actually happened and how serious was the crime. The Commission does the same. They require applicants to obtain full documents, including a police report, which describes police interviews, and court documents, which show the complaint, what was charged and what was in any plea agreement. When someone has been tried and found not guilty of child molest, the Commission can go to the victim for affidavits because their burden of proof is different than that for a criminal trial. CCL has the same burden of proof.

Bob Orsi said he has experience with the processes of both systems, as a public school administrator and now in child care. This is an issue inside vs. outside. From inside, both systems work very well in screening people out. As a provider, he’s not certain he could deny someone a job just because he would have to apply for an exemption for him or her. Yet, at this point, he would find it very difficult to hire someone that has or needs an exemption. The two reasons for this are (1) it would not put the organization in a good light, and (2) it would not put the individual in a good position, because he would have to talk to the parents about the person with a criminal record who is on the staff. Our business has an extremely small labor pool and now we have done something that shrinks it further. From the inside I think the system works, but the public may not believe this after reading news reports in the Orange County Register and the Sacramento Bee. Out of 1,000 employees, he has only had to request an exemption three or four times.

- Q.** What sort of crimes have people been given an exemption for?
- A.** In the last two years, most exemptions have been for old convictions of petty theft and minor check or welfare fraud.
- Q.** Are exemptions given for marijuana convictions?
- A.** It depends on how long ago it was and how many times a person was arrested.

Ms. Jenkins Sathé said she is astounded and offended that people who have not been convicted of a crime can be subject to such scrutiny. Both presenters have indicated they would include arrest records in their reviews. Essentially, reviewers can make a subjective interpretation that a person is not safe. The person has paid their debt to society and it's over.

Ms. Malaske-Samu clarified that the situations where a further investigation would rely on a preponderance of the evidence as opposed to a conviction would be in cases of physical abuse or sexual abuse of children. Ms. Lopez agreed. They look at arrests for serious crimes, but not at those of a minor nature. They look at arrests for crimes that are non-exemptible if a person were convicted. A criminal conviction is an entirely different issue than saying a person is not eligible to work with children. We are saying, for these reasons, we will not allow you to work in this arena. The person has the ability to appeal that decision. Ms. Vining added that persons seeking a credential have a right to due process through a full administrative hearing. The Commission must produce witnesses to the violence or abuse who testify and are cross-examined. The hearing process is very close to a trial and is not a process where committee members make a subjective decision behind closed doors.

Ms. Ryan added that in cases of child abuse, reports can be labeled as unfounded even when several small children are reporting abuse. This is an example of a case that warrants further review.

Ms. Malaske-Samu thanked the panel members. She suggested it would be important to have a follow-up discussion in six to nine months to look at who requests exemption information and how the disclosure requirement impacts the labor pool. We as the field have to monitor this situation and, if it is not working, find ways, perhaps through legislation, to correct mistakes that have been made.

## **State Reports**

*Michael Jett*, Child Development Division (CDD), CDE

The budget process has been completed in the Assembly pending the May Revise. Both committees voted to restore funding to the previous level and asked staff to find ways to fund the set-aside. After the May Revise is released on May 14, things will move quickly because the Senate wants to have a bill off the floor by May 23. CDD has been very active working with the field, CDSS and the administration.

CDD will hold up awarding the state preschool RFA until they find out how the legislature and administration are going to go. About \$15 million has not gone out. They have applications from the nine counties that have not had their need met. If it is appropriated, they will get the money out in those nine counties. If they do not spend it all there, the remaining money will be available to the other counties.

CDD is about to send out a management bulletin for the \$28 million available under SB 1703 for subsidized programs to upgrade their playgrounds to meet ADA requirements. People must submit a Letter of Intent to be eligible to apply for this money.

*Jo Weber*, Work Services and Demonstration Projects Branch, CDSS

President Bush proposed changes to federal Welfare Reform that would dramatically increase the need for child care but allocated no additional funds to cover the need. The House Education and Workforce Committee voted to authorize an additional \$200 million in discretionary funding to Child Care Block Grants. It was adopted in a close vote to be included in the welfare re-authorization legislation. It still has to go through other committees. The Committee rejected an amendment proposed by George Miller of California, which would have authorized \$8 billion annually for the next five years in discretionary Child Care Block Grants. There is more optimism about what will come out of the Senate.

*Dr. Robert Bates*, Department of Health Services (DHS)

There was a panel on mental health at the last State Prop 10 Commission meeting. Dr. Gilberto Chavez, Chief of the Maternal and Child Health Branch at DHS was on the panel. He focused on two issues, (1) early screening and appropriate referral of preschool children, and (2) maternal depression and the effect this can have on a child's early development. The State Prop 10 Commission is developing their budget and has identified mental health as one of the five high priority areas for funding. Children's oral health is another of their five high priority areas.

*Cheri Schoenborn*, Department of Developmental Services (DDS)

Ms. Schoenborn has reported previously about the DDS service delivery reform effort. They are continuing to look at program standards and personnel standards for infant development services even though no money is available right now. The next meeting of the State Interagency Coordinating Council (ICC) will be in Burbank on May 30th and 31st. Child care continues to be a special issue for ICC. They will talk more about ways to bring local people together to plan for inclusive child care. At the next Committee meeting she hopes to share the results of a satisfaction survey conducted last year on the DDS service system. Their annual report is available on their web site at [www.dds.ca.gov](http://www.dds.ca.gov)

Jo Weber announced that this is her last Committee meeting. She has accepted a position as Assistant Director of the Riverside County Department of Public Social Services. Child care will be one of her areas of responsibility. Members offered their congratulations and expressed their appreciation for her work with the Committee and their regrets to see her leave.

Ms. Malaske-Samu thanked everyone and adjourned the meeting.

## ATTENDEES AT MAY 2, 2002 CDPAC MEETING

### Committee Members:

Kathleen Malaske-Samu, Chairperson  
Bonnie Parks, Employment Development Dept.  
Earl Peterson, Child Care Consultant  
Marie Kanne Poulsen, USC Childrens Hospital  
Joyce Hanson, Grandparent/Child Advocate  
Michael Jett, CDE/CDD  
Lynn Lucas, El Dorado County Supt. Of Schools

Jo Weber, CA Dept. of Social Services  
Robert Bates, Department of Health Services  
Amy Tan, Sacramento City College USD  
Eleanor Moulton, EduCare  
Cheri Schoenborn, Dept. of Developmental Services  
Robert Orsi, Schoolhouse Development

### Participants:

Jolene Thomas, Shasta County LPC  
Susanne Milton, El Dorado Co. Office of Education  
Marilyn Rotnem, Merced Co. Office of Education  
Michelle Moyer  
Vera Nicholas, State Library CA Research Bureau  
Janene Chico, Inter-Tribal Council  
Marjorie Beazer, Sacto Co. LPC  
Melinda Waring, Yolo Co. LPC  
Cecelia Fisher-Dahms, CDE/CDD  
Irma Fraigun, California Teachers Association  
Chris Cowan, Choices for Children  
Virginia Greenwald, California Council of Churches  
Laura Van Dervoort, Glenn Co. LPC  
Tony Anderson, State Council on Dev. Disabilities  
Pat Dorman, On the Capitol Doorstep  
Lisa Foster, California State Library  
Steve Erwin, Kaplan  
Linda Wherry, Travis AFB Child Development Center  
Francine Nunes, Placer Co. Child Care Advisory Council  
Julie Jenkins Sathe, Caring Connection Children's Center  
Mei Kwong, Children's Home Society of CA

Carol Nye, Northeast Regional Resource Cntr  
Thelma Hernandez  
Kathi Walker, El Dorado Co. LPC  
Linda Parfitt, CDE/CDD  
Kathi Linquist, Contra Costa COE  
Eugene W. Pasqua, Inter-Tribal Council  
Mary Walker, DSS/CCL  
Jennifer Martin-Lopez, WestEd  
Barbara Coulibaly-Robinson  
Judi Andersen, Humbolt Co. LPC  
Jennifer Lawrence, Choices for Children  
Kim Johnson, Solano Co. LPC  
Donita Stromgren, Child Care R & R Network  
Marcia Westbrook, CCCC of Nevada County  
April Befumo, Stanislaus Co. LPC  
Ed Condon, California Head Start Association  
Mary Rich, Clovis Unified School District  
Mark Carlson, Lutheran Office of Public Policy  
Betty Vogt, Early Interv. for School Success  
Lisa Velarde, Children's Home Society of CA

### Staff:

Kay Ryan, Executive Director  
Sharon Rea Zone, Analyst  
Priscilla Jong

Sharron Goldstein, Analyst  
Leslie Witten-Rood, Analyst  
Alex Castillon